



Docket No. AB57843

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kristof Van Emelen et al.
Serial No. : 09/980,452
Filed : November 30, 2001
Title : AMINOALKYL SUBSTITUTED (BENZODIOXAN, BENZOFURAN
OR BENZOPYRAN) DERIVATIVES

Art Unit : 1626
Examiner : Small, Andrea D. Souza

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March 12, 2003
(Date of Deposit)

Ellen Ciambrone Coletti
(Name of applicant, assignee, or Registered Representative)


(Signature)

March 12, 2003
(Date of Signature)

Honorable Commissioner of Patents
Washington, D.C. 20231

RESPONSE

Dear Sir:

This is in response to the Office Action mailed February 12, 2003 in the captioned application.

In the Office Action, it is stated that "applicant [is required] to elect a single invention to which the claims must be restricted."

It is alleged that the application contains the following inventions:

Group I claims(s) 1-8 and 10-11 in part drawn to products of the formula (I) wherein Z1-Z2 is (a-1) and alk1 is alkylcarbonyl, alk2 is alkylcarbonylalkyl and R5 is (c-1) wherein q is (d-1), one process for their preparation, and one method of use.

Group II claim(s) 1-8 and 10-11 in part drawn to products of the formula (I) wherein Z1-Z2 is (a-2) and alk1 is alkylcarbonylcarbonyl, alk2 is alkylcarbonylalkyl and R5 is (c-1) wherein q is (d-1), one process for their preparation, and one method of use.

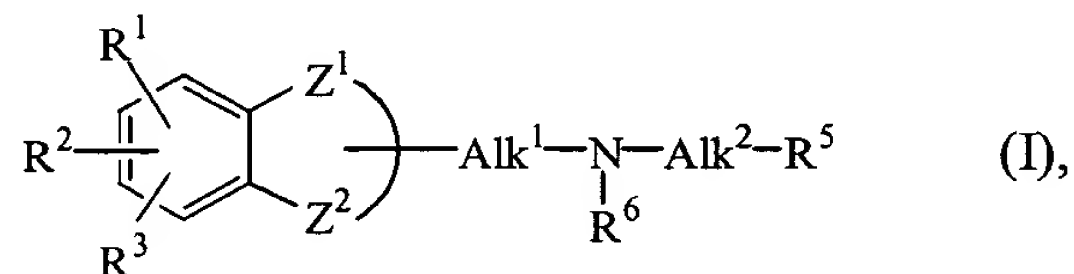
Group III claim(s) 1-8 and 10-11 in part drawn to products of the formula (I) wherein Z1-Z2 is (a-3) and alk1 is alkylcarbonyl, alk2 is alkylcarbonyl and R5 is (c-1) wherein q is (d-1), one process for their preparation, and one method of use.

Group IV claim(s) 1-8 and 10-11 in part drawn to products of the formula (I) wherein Z1-Z2 is (a-1) and alk1 is alkylcarbonyl, alk2 is alkylcarbonyl and R5 is (c-2) wherein q is (d-1), one process for their preparation, and one method of use.

Group V claim(s) 1-8 and 10-11 in part drawn to products of the formula (I) wherein Z1-Z2 is (a-1) and alk1 is alkylcarbonyl, alk2 is alkylcarbonyl and R5 is (c-1) wherein q is (d-3), one process for their preparation, and one method of use.

It is asserted that the claims lack unity of invention under PCT Rule 13.1 and 13.2. Applicants respectfully submit that restriction in this instance is improper. Applicants respectfully submit that no unity of invention objection was raised in the PCT application.

Contrary to the assertion in the Office Action, Applicants submit that unity of invention exists herein since the compounds of formula I share a common utility, treat conditions involving an impaired relaxation of the fundus, and share the following structural feature essential to that utility:




In the Office Action, it is stated that "applicant may choose to elect a specific compound and the Examiner will attempt to group it."

Applicants hereby elect, with traverse, the compound of claim 6, that is 1-[3-[[[3,4-dihydro-2H-1-benzopyran-2-yl)methyl]amino]-2-hydroxypropyl]-2,4-imidazolidinedione.

Accordingly, applicants respectfully request that the restriction requirement be withdrawn.

Respectfully submitted,

By: 
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